

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
220 Montgomery Street, Suite 303
3 San Francisco, CA 94104
Telephone: (415) 392-5431

4 Attorneys for Plaintiffs
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 BOARD OF TRUSTEES OF THE SHEET METAL)	NO. C 07 3204 PJH
WORKERS, et al.,)	
12)	DECLARATION OF ATTORNEY
Plaintiffs,)	MICHAEL J. CARROLL IN
13)	SUPPORT OF PLAINTIFFS'
vs.)	EX PARTE APPLICATION FOR
14)	ORDER TO CONTINUE CASE
MTB INC., a California corporation)	MANAGEMENT CONFERENCE
15)	
16 Defendant.)	
17)	

I, MICHAEL J. CARROLL, certify:

18 1. I am an attorney with the law firm of Erskine & Tulley,
19 A Professional Corporation, attorneys for plaintiffs in this action.
20 I am duly admitted to practice law in the United States District
21 Court, Northern District of California. If called as a witness, I
22 could and would competently testify as follows:

23 2. Service was accomplished upon the only party on July 18,
24 2007. No responsive pleading was filed.

25 3. On September 20, 2007 the Plaintiff filed a request for
26 entry of default.

27 4. It is requested that the Court continue the Case
28

1 Management Conference some sixty days hence, to November 29, 2007, to
2 provide time to either settle the case or file a motion for default
3 judgment.

4 7. Good cause exists to grant plaintiff's request for a
5 continuance of the case management conference currently set for
6 September 27, 2007 so that plaintiff may avoid unnecessary legal
7 expenses and to avoid any unnecessary burden to the Court.

8 I declare under penalty of perjury that the foregoing is
9 true and correct to the best of my knowledge.

10 Executed on September 20, 2007 at San Francisco, California.

11
12 /s/ Michael J. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On September 20, 2007 I served the within **DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

MTB Inc.
P.O. Box 715
Pennygrove, CA 94951

MTB
620 Petaluma Blvd. N. Ste. C2
Petaluma, CA 94952

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on September 20, 2007 at San Francisco, California.

/s/ Sharon Eastman